

**BEFORE THE STATE BOARD OF EMBALMERS, FUNERAL DIRECTORS,  
CEMETERIES, AND BURIAL SERVICES**

**IN THE MATTER OF**

**Weems Family Funeral Service, Board  
ID # 20536 and Tim Weems, Board  
ID #21942, Respondents**

**Case No. 19-█ 13**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

A hearing on the above-referenced matter was held before the Arkansas State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services (the "Board") on March 10, 2020, in the Diamond Mine Room at the Department of Commerce located at 1 Commerce Way, Little Rock, Arkansas. The Respondent, Tim Weems, failed to appear. Amanda Gibson, Associate Counsel at the Arkansas Insurance Department appeared on behalf of the Board. Finding that proper notice was given to the Respondent, the Board, from all the evidence presented, issues the following Findings of Fact, Conclusions of Law and Order:

**FINDINGS OF FACT**

1. Respondent Weems is the manager of record of Weems Family Funeral Service.
2. Respondent funeral home failed to renew its Type A Establishment license and as such, it is not currently licensed for 2020.
3. The complaint was filed on April 11, 2019, against the Respondents.
4. The complainant is Chad Dollar. Included in the complaint are allegations that Respondent was difficult to get in touch with, and generally acted unprofessionally.
5. Respondent did not quote accurate prices for services when the complainant inquired about them over the phone.

6. The statement of goods and services was not signed by the complainant.
7. The statement of goods and services does not accurately reflect prices as listed on the funeral home's general price list. More specifically, the complainant was charged \$345.00 for "basic services" while this charge is not listed on the general price list.
8. On January 31, 2020, the Board's inspector appeared at the place of business in order to conduct an inspection. Upon arrival, the inspector found the building locked with no one present, inside.
9. The inspector was able to reach Respondent Weems by phone while the inspector was at the business.
10. Respondent Weems advised the inspector that he has been working as an embalmer in Texas, for Service Corp. International for three years.
11. Respondent further advised that he would alert someone to let the inspector into the building.
12. After being let into the building by Greg Renner, an employee of the City of Carlisle, the inspector found the following violations:
  - a. The establishment's license was not displayed;
  - b. There was no electricity or running water;
  - c. The interior of the building was not protected from exposure to outside elements;
  - d. The establishment's manager is employed by a non-affiliated funeral establishment;
  - e. The establishment was not open for business and available for inspection during normal business hours; and

f. The establishment has not taken proper care and maintenance of the interior and exterior in a manner that does not present a potential or actual hazard to the health, safety, or welfare of the public.

13. Respondent Weems' Facebook page states that he is the former owner of Weems Family Funeral Services.

14. The Facebook page referring to Respondent Weems as the "former owner" indicates that the establishment has been closed.

### **CONCLUSIONS OF LAW**

1. Respondent's actions, as set forth in Finding of Fact 5, above, constitute a violation of Board Rule XII.4 requiring funeral establishments to comply with FTC provisions. The FTC provision requires prices to be quoted with accuracy over the phone.

2. Respondent's actions as set forth in Finding of Fact 6, above, constitutes a violation of Board Rule XII.2, which requires the statement of goods and services to be given to the person making arrangements at the conclusion of the making of arrangements, and before services are rendered. Respondents' actions as set forth in Finding of Fact 6 also violate Board Rule XII.4 in that Respondent Weems failed to comply with 16 C.F.R. § 453.2(b)(5) which also required him to give an itemized statement of goods and services to the complainant.

3. Respondent's actions as set forth in Finding of Fact 7, above, constitute a violation of Board Rule XII.4 which requires funeral providers to furnish accurate price information to the consumer.

4. Respondent's actions as set forth in Findings of Fact 8 and 9, above, violate Ark. Code Ann. § 17-29-304(b)(1)(B)(i) in that the establishment was not open for business and available for inspection during normal business hours.

5. Respondent's actions as set forth in Finding of Fact 10, above, violate Ark. Code Ann. § 17-29-304(b)(1)(A)(iii) in that Weems is the establishment's manager of record, and he stated he has been, and is currently, employed by a nonaffiliated funeral establishment.

6. The dilapidated conditions of the establishment as set forth in Finding of Fact 12, above, violate Ark. Code Ann. § 17-29-304 as follows:

- a. Failure to display the establishment's license violates subsection (a)(1);
- b. The absence of electricity and running water violates subsection (a)(3)(C);
- c. Failure to protect the interior of the building from exposure to outside elements violates subsection (a)(3)(D);
- d. The employment of the establishment's manager by a non-affiliated funeral establishment violates subsection (b)(1)(A)(iii);
- e. Failure of the establishment to be open for business and available for inspection during normal business hours violates subsection (b)(1)(B)(i); and
- f. Failure to take proper care and maintenance of the interior and exterior in a manner that does not present a potential or actual hazard to the health, safety, or welfare of the public violates subsection (g)(4).

7. Respondent Weems' actions as set forth, above, in Findings of Fact 10, 13 and 14 violate Board Rule IV.2.(a)(6) in that they did not notify the Board in writing of the closure of the establishment.

### **ORDER**

Based upon the testimony and evidence presented at the hearing, the Board hereby orders:

- 1. That the establishment license of Weems Family Funeral Service is revoked.


2. That Respondent Tim Weems' funeral director's license is revoked.
3. That Respondent Tim Weems' embalmer's license is revoked.
4. That a \$10,000 monetary penalty is levied against Respondent Weems' funeral director's license.
5. That the sign be removed from the building of the funeral home.
6. That Respondents cease and desist from all advertising of the funeral home, including removing the sign from the building and disconnecting the phone number which is listed as that of the funeral home.

Pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-212, the Respondent may petition for judicial review of this decision by filing a petition in the Circuit Court of the county in which he resides or does business, or in the Circuit Court of Pulaski County, within thirty (30) days after service of this Order.

**IT IS SO ORDERED THIS 10<sup>TH</sup> DAY OF MARCH, [REDACTED] 2020**

**STATE BOARD OF EMBALMERS,  
FUNERAL DIRECTORS,  
CEMETERIES, AND BURIAL  
SERVICES**

By:



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Amanda Gibson  
Counsel for the Board